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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,402	01/07/2002	Takeshi Anzai	8004-1001	3621
466	7590	12/13/2004	EXAMINER	
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			FOSTER, ROLAND G	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/036,402

Applicant(s)

ANZAI, TAKESHI

Examiner

Roland G. Foster

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date Multiple Attached.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0028380 A1 to Freeland et al. (hereinafter "Freeland").

Freeland is available as prior art under 102(e)(1) because Freeland is a § 111(a) application claiming benefit of an international application ("IA") under 35 USC § 365(c) filed on or after November 29, 2000, where the IA was published by the World Intellectual Property Organization ("WIPO") in English designating the U.S.

With respect to claim 1, Freeland discloses a portable communication terminal (mobile terminal 200, Fig. 3) with a function for transmitting e-mail (paragraphs 0009 and 0045). Note also that the mobile device is also a WAP enabled PDA or computer (paragraph 0196). The user can input a text messages (paragraph 0188) and additional expression data for the text (character)

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data in an html based format (paragraphs 0165-0178), where the expression controls how the character (text) data is voice synthesized.¹

Freeland discloses a flexible and versatile system where the user has a variety of choices in how to enter text and expression data. For example, in the case of a WAP enabled PDA or computer, the user enters data using toolbar character buttons, drop down menus, right mouse click sequences, an visual coding (paragraphs 0173-0175). In case of mobile terminals, the user enters data using keypads (paragraph 0192), templates using graphical checkbox input devices (paragraph 0188), and dropdown menus (paragraph 0196). Note also that a speech interface is also supported (e.g., paragraphs 0219-0226).

The expression data gives variation of expression (e.g., shouting, angry, sad, relaxed, and cynical) (paragraphs 0168-0172) on the respective characters of the character (text data). The

The portable communication terminal (mobile terminal or WAP enabled PDA or computer) comprises a data generator means for generating transmission data by linking the character data and additional expression data together by into a markup language based on html (paragraphs 0165-166) and generating transmission data in the form of SMS data that is sent to the network (paragraph 0122).

¹ Interpreting expression data as data that controls how character data is voice synthesized is consistent with applicant's claim structure (e.g., see claim 5).

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The portable communication terminal is wireless and thus comprises a radio device for transmitting the transmission data, where the data is transmitted to the recipient as e-mail (paragraph 0122).

With respect to claim 2, see the claim 1 rejection above for further details.

With respect to claim 3, see the claim 1 rejection above, where a speech recognition interface was discussed, thus requiring a microphone to receive the speech input.

With respect to claim 5, see the claim 1 rejection for further details. Expression data in the html-based markup relates to emotions such as shouting, angry, sad, and relaxed would represent tone, stress, accent, and intonation of the character data when converted to speech.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeland in view of U.S. Patent No. 6,757,732 B1 to Sollee et al. (hereinafter "Sollée").

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Claim 6 is merely directed to the recipient's receiving device, which receives the transmitted character data and additional expression data entered by the message originator (as discussed in claim 1) and then uses this data to generate the message. Thus, many of the limitations clearly read on Freeland. See the claim 1 rejection for additional details. Note also that the receiving device also comprises a display device for displaying image data in accordance with expression data (paragraph 0064 and 0319-0321). However, Freeland fails to specifically disclose that the received e-mail is displayed and includes "characters of the character data....according to the additional expression data...."

However, Freeland teaches that the system provides an enhancement to a text based, instant messaging and chat services (paragraph 0009). To this end, Sollee teaches of a similar text based, instant messaging system and chat system (abstract and Fig. 9) that generates, transmits, and displays characters of the character data according to additional expression data (e.g., Fig. 6, 7, and Fig. 10, "font color = black").

Therefore, it would have been obvious to a person of ordinary skill in the art to add to the text based, instant messaging and chat system disclosed by Freeland the ability to generate, transmit, and display characters of character data according to additional expression data as taught by the text based, instant messaging and chat system of Sollee.

The suggestion/motivation for doing so would have been to conform to industry standards in the field of instant messaging that was enhanced by Freeland, where the ability to

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generate, transmit, and display characters according to additional expression data (e.g., rich text formats) as long been supported and widely popular. In addition, the versatility and flexibility of communicating using text would have been increased by supporting well known formatting tools such as font selection and size (e.g., bold), as is notoriously well known in the art as indicated by text formats such as rich text.

Claim 9 combines the limitations from claims 1 and 6, thus see the claims 1 and 6 rejections above for further details.

With respect to claims 7, 12, and 13, see the claim 6 rejection for further details.

With respect to claims 8, 14, and 15, see the claims 1 and 5 rejections for further details. Note that the recipient's local computing (receiving) terminal performs all the "inventive methods described above" as an alternate embodiment to relying upon a central server (paragraph 0041). The above inventive methods include text to speech ("TTS") generation of audible messages using character data marked up with expression data in the html-based markup (paragraphs 0023 and 0037-0040). Thus, the recipient's local computing device (e.g., mobile terminal, PDA, or computer) would comprise the character converter and voice generator to convert the received html based, text (character) data marked up with expression data and generate voice data as discussed in the claim 1 rejection. See also paragraphs 0163-0165.

With respect to claim 10, see the claim 2 rejection for further details.

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With respect to claim 11, see the claim 3 rejection for further details.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeland as applied to claim 1 above, and further in view of Sollee. See the claim 6 rejection above for further details.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roland Foster whose telephone number is (703) 305-1491. The examiner can normally be reached on Monday through Friday from 9:00 a.m. to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S. Tsang, can be reached on (703) 305-4895. The fax phone number for this group is (703) 872-9309.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is (703) 306-0377.



Roland G. Foster
Primary Patent Examiner
September 20, 2004